

UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania

United States of America

v.

THOMAS HARRIS JR.

Case No. 20-MJ-1237

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 20, 2019 to March 6, 2020, in the counties of Bucks and Philadelphia in the
Eastern District of Pennsylvania, the defendant violated:

*Code Section**Offense Description*

18 U.S.C. § 922(a)(1)(A)

Dealing in firearms without a license.

18 U.S.C. § 924(a)(1)(A)

Making false statements to a federal firearms licensee.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

s/ Eric R. Frye

Complainant's signature

ATF Special Agent Eric R. Frye

Printed name and title

Sworn to before me and signed in my presence.

Date: 7/23/20

s/ Linda K. Caracappa

Judge's signature

City and state: Philadelphia, Pennsylvania

U.S. Magistrate Judge Linda K. Caracappa

Printed name and title

A F F I D A V I T

I, Eric R. Frye, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since July 2001. I am currently assigned to the Firearms Trafficking Unit, whose primary responsibilities include investigating individuals or groups who have committed violations of federal firearms laws. During my tenure as an ATF agent, I have conducted numerous investigations that have resulted in the arrests of individuals who have committed these violations of federal law. The information set forth below is either known to me personally or was related to me by other law enforcement personnel. Because this affidavit is being submitted for the purpose of obtaining authorization for an arrest warrant, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to arrest THOMAS HARRIS JR. for violations of Title 18, United States Code, Sections 922(a)(1)(A) (dealing in firearms without a license); and 924(a)(1)(A) (making false statements to a federal firearms licensee).

PROBABLE CAUSE

2. Since approximately February, 2020, I have been conducting an investigation into THOMAS HARRIS JR., and others known and unknown. HARRIS JR. is suspected of illegally trafficking, and attempting and conspiring to illegally traffic firearms from Philadelphia, Pennsylvania, to the island of St. Lucia, a sovereign island nation located in the West Indies. The investigation has shown that HARRIS JR. has purchased firearms at a Federal Firearms Licensee (FFL) here in the Eastern District of Pennsylvania, and has illegally exported them, and

attempted to export them, to St. Lucia using a shipping company located in the City of Philadelphia. The investigation has also shown that HARRIS JR. provided a false address as his place of residence on the required federal forms that he completed to buy the guns.

3. The investigation into HARRIS JR. was begun on or about February 18, 2020, after investigators learned that HARRIS JR. had purchased approximately thirty-six (36) firearms in eleven transactions at Tanner's Sports Center, a Bucks County, Pennsylvania, gun shop, between April 20, 2019 and February 15, 2020.

4. I have confirmed that Tanner's Sports Center held a valid federal firearms license at all times relevant to this investigation, and was authorized to deal in firearms under federal law. Various rules and regulations promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), govern the manner in which an FFL holder may sell firearms and ammunition.

5. The rules and regulations governing FFL holders require that a person seeking to purchase a firearm fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. The Form 4473 contains language warning "making any false oral or written statement, or the exhibiting of any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony."

6. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer's home address and date of birth.

7. HARRIS JR. completed the required ATF Form 4473 during each purchase he made at Tanner's. He was legally required to provide his current address on those forms, and he provided the address of 4105 Portsmouth Court in Bensalem Township, Bucks County, Pennsylvania. On February 18, 2020, Federal Bureau of Investigation (FBI) Task Force Officers Detective Thomas Jackson #22282 and Detective Jack Gohl #22275 of the Bensalem Township Police Department went to that address to speak with HARRIS JR. A male answered the door and identified himself as Thomas Harris Senior, HARRIS JR.'s father. He told the detectives that his son, HARRIS JR., comes to the house for visits but does not live at that location, and has not lived there for some time. Mr. Harris Senior stated that he was unsure of HARRIS JR.'s current address. Detective Gohl provided his business card to Mr. Harris Senior, who agreed to contact HARRIS, Jr. with Detective Gohl's contact information. The detectives left. A short time later, Detective Gohl received a phone call from phone number **(267) 339-9432**. The male caller, who spoke with a slight Caribbean accent, identified himself as THOMAS HARRIS JR. Detective Gohl told HARRIS JR. that he wanted to physically examine the serial number on a firearm that HARRIS JR. had purchased in 2019. HARRIS JR. replied that he did not want to disclose his residence to Detective Gohl, and asked if he needed an attorney. Detective Gohl advised HARRIS JR. that it was his right to have an attorney if he wished. Detective Gohl asked HARRIS JR. to contact him on February 19, 2020.

8. On February 19, 2020, Detective Gohl called Tanner's Sport Center and requested copies of all Federal Firearms Transaction Forms (ATF Form 4473) that THOMAS HARRIS JR. completed and signed during the purchase of any firearms he bought from Tanner's. A Tanner's employee, R.G., whose true name is known to me, told Detective Gohl that he knew the male, THOMAS HARRIS JR., about whom Detective Gohl was speaking. D.G. said he believes that

HARRIS JR. “purchases firearms and then exports them to St. Lucia for profit.” Detective Gohl then contacted ATF Task Force Officer Detective Mike DiNezza of the Philadelphia Police Department and me regarding HARRIS JR.’s. possible unlawful trafficking of firearms. Because the case also involved possible violations of export laws and restrictions, Special Agent Stephan Schenkel of the United States Department of Commerce Bureau of Industry and Security (BIS) was asked to assist in the investigation, and to determine if HARRIS JR. was a licensed exporter of firearms.

9. On February 20, 2020, Special Agent Schenkel advised that, per official records, HARRIS JR. does not currently possess, and has no record of ever possessing, a federal license to export goods of any kind from the United States as required by law. Special Agent Schenkel noted that firearms are licensable property and are subject to a Directorate of Defense Trade Control (DDTC) License before they may be lawfully exported.

10. On February 20, 2020, Detective Gohl met with R.G. at Tanner’s Sport Center. R.G. identified HARRIS JR. as a frequent customer, with whom he has spoken between 10-20 times in the last two years. R.G. described HARRIS JR. as a quiet man who speaks with a slight accent. R.G. remembers HARRIS JR. for his multiple purchases of firearms and his propensity to purchase high capacity magazines. R.G. said that he never personally had any conversation with HARRIS JR. regarding HARRIS JR.’s exporting business or the reason that he was purchasing so many firearms.

11. On February 20, 2020, Detectives Jackson and Gohl returned to 4105 Portsmouth Court in Bensalem to further interview Thomas Harris Senior. He reaffirmed that HARRIS JR. is his son, and asked “didn’t my son reach out to you?” The investigators said that HARRIS JR. had done so. Mr. Harris Senior again told the detectives that HARRIS JR. does not live at 4105

Portsmouth Court, and said that he had not lived there since “about one and half to two years” earlier. When the detectives asked Mr. Harris Senior where HARRIS JR. now lives, he said “Philadelphia.” When they asked with whom HARRIS JR. lives he replied “a girl.” The detectives had previously checked a law enforcement database and learned that HARRIS JR. was once associated with the address of 4103 Walnut Street in Philadelphia. They asked Mr. Harris Senior if that was HARRIS JR.’s current address. He replied that he thought it was. He told the detectives that he does not know where HARRIS JR works. Mr. Harris Senior asked the detectives if their investigation was “about a gun?” He said that HARRIS JR. mentioned to him that it was about a gun in a phone conversation. He said that HARRIS JR. had only one gun, and that he has never known HARRIS JR. to have a gun at the family’s residence.

12. On February 21, 2020, Detective Gohl obtained copies of the Federal Firearms Transaction Forms (ATF Form 4473) completed by HARRIS, JR. during each of his purchases at Tanner’s Sports Center between April of 2019 and February of 2020, a total of 11 forms. I know from my training and experience as an ATF Special Agent that the purchaser of a firearm is required by federal law to provide his or her residence address on the Form 4473, and is required to certify that he has truthfully provided that information. Detective Gohl observed that, on each of the forms, HARRIS JR. falsely certified that his address was 4105 Portsmouth Court in Bensalem Township, Bucks County, Pennsylvania, despite the fact that he did not reside at that address when he made the purchases.

13. The firearms purchased by HARRIS JR. are listed here by date of purchase, make, model, caliber, serial number, type, and price:

Date of sale -April 20, 2019

1. A Glock, Model 27, 40 caliber pistol, bearing serial number YND994, price \$369;

2. A Springfield Armory, Model XDS, 9mm pistol, bearing serial number S3745760, price \$275;
3. A Smith & Wesson, Model SW40VE, .40 caliber pistol, bearing serial number RBA0677, price \$199;
4. A Glock, Model 30S, .45 caliber pistol, bearing serial number WUS814, price \$369;

Date of sale -June 8, 2019

5. A Taurus, Model Curve, .380 caliber pistol bearing serial number 1D128674, price \$199;
6. An American Tactical Imports, Model Omni Hybrid .300 caliber pistol, bearing serial number NS208529, price \$365;

Date of sale -July 20, 2019

7. A CAI / Cugir, Model Mini Draco, 762x39 mm pistol, bearing serial number PE-5193-2018, price \$555;
8. A CAI Nova group SRI , Model NAK-9, 9mm pistol, bearing serial number RNVMB71814340, price \$555;
9. An American Tactical Imports, Model Omni Hybrid 5.56 x 45mm Pistol, bearing serial number NS211127, price \$369;

Date of sale - August 3, 2019

10. A Rock River Anderson Arms, Model AR-15, 5.56 x 45mm rifle. bearing serial number KT1181893, price \$499;

Date of sale - August 24, 2019

11. An American Tactical Imports, Model Omni Hybrid, 5.56 x 45mm pistol, bearing serial number NS207198, price \$379;
12. An American Tactical Imports, Model Omni Hybrid, 5.56 x 45mm pistol, bearing serial number NS210645, price \$369;
13. A Delton 316, Model OR MLOK, 5.56 x 45mm rifle, bearing serial number S184732, price \$429;

Date of sale - September 24, 2019

14. A Taurus, Model G2C, 9mm pistol, bearing serial number TLW16571, price \$219;
15. A Taurus, Model G2C, 9mm pistol, bearing serial number TLX46856, price \$215;
16. A Beretta, Model APX, 9mm pistol, bearing serial number A045151X, price \$299;

Date of sale - November 8, 2019

17. A Smith & Wesson , Model Shield .40 caliber pistol, bearing serial number DXE3551, price \$199;
18. A Beretta, Model APX, 9mm pistol, bearing serial number A006329X, price \$249;
19. A Taurus, Model G2C, 9mm pistol, bearing serial number TLW11624, price \$219;
20. A Ruger, Model EC9S 9mm pistol, bearing serial number 456-49505, price \$239;

Date of sale - November 16, 2019

21. A Glock, Model 27, .40 caliber pistol, bearing serial number UDE406, price \$359;
22. A Glock, Model 23, .40 caliber pistol, bearing serial number KCD699, price \$299;
23. A Taurus, Model G3 9mm pistol, bearing serial number TMW76396, price \$199;
24. A Beretta, Model 96D Centurion .40 caliber pistol, bearing serial number BERO48927, price \$299;

Date of sale - February 1, 2020

- 25. A Glock , Model 43, 9mm pistol, bearing serial number ZNE238, price \$365;
- 26. A Glock , Model 26, 9mm pistol, bearing serial number XKT071, price \$399;
- 27. A Glock, Model 19, 9mm pistol, bearing serial number BKZX677, price \$399;

Date of sale - February 8, 2020

- 28. A Delton, Model DTI 15, 5.56 x 45mm rifle, bearing serial number S215372, price \$449;
- 29. An American Tactical Imports, Model Omni, 5.56 x 45mm pistol, bearing serial number NS250537, price \$349;
- 30. A Glock, Model 23, .40 caliber pistol, bearing serial number SMR659 , price \$299;
- 31. A Glock , Model 27, .40 caliber pistol, bearing serial number DDZ784, price \$359;

Date of sale - February 15, 2020

- 32. A Ruger, Model SR9C, 9mm pistol, bearing serial number 333-33598, price \$225;
- 33. A Glock, Model 27, .40 caliber pistol, bearing serial number BUL376US, price \$319;
- 34. A Glock, Model 23. .40 caliber pistol, bearing serial number XKG955, price \$365;
- 35. A CAI / Cugir , Model Mini Draco, 762x39 mm pistol, bearing serial number PE-1169-2019, price \$699; and
- 36. A CAI / Cugir, Model Mini Draco, 762x39 pistol, bearing serial number DF-2128-19, price \$699.

The total amount paid for the 36 firearms was \$12,967.

14. Between the dates of February 21st and February 27th, 2020, Detective DiNezza and I conducted surveillance on the address of 4103 Walnut Street, Philadelphia, Pennsylvania, in an attempt to locate THOMAS HARRIS JR. We did not see him there.

15. On February 27, 2020, OEE Special Agents Schenkel and Peter Meyers and I interviewed

I.T., manager of Besco Shippers Inc., a shipping company located at 5425 Baltimore Avenue, Philadelphia, Pennsylvania. I.T. stated that, while Besco has not shipped any packages for someone named THOMAS HARRIS JR, on June 13, 2019, they shipped a package to St. Lucia for someone named “Larry BROWN,” from 4103 Walnut Street, Philadelphia, Pennsylvania. I.T. also stated that an individual named “Lance BROWN,” using an address of 1100 Newportville Road, Croydon, Pennsylvania, shipped three packages to St. Lucia, including a package presented to Besco for shipment on February 24, 2020. Both “Larry BROWN” and “Lance BROWN” listed the telephone number of (267) 339-9432 on the Besco Shippers Bills of Lading for the packages. That phone number was the same number that HARRIS JR. used to call Detective Gohl on February 18, 2020. I was advised that the package presented to Besco on February 24, 2020, for shipment to St. Lucia was still at the Besco Shippers Inc. warehouse at 1543A Hook Road, Folcroft, Pennsylvania.

16. On February 27, 2020, OEE Special Agents Schenkel and Meyers and I went to the Besco Shippers Inc. warehouse at 1543A Hook Road, Folcroft, Pennsylvania. OEE Special Agents Schenkel and Meyers, using their authority under Department of Commerce, Bureau of Administration Security, Export Administration Regulation, inspected the package presented for export to St. Lucia by “Lance BROWN” on February 24, 2020. Inside the package, secreted in boxes of diapers, cat litter, and toilet paper, were eight handguns, four completed rifles, numerous upper and lower rifle receivers, large capacity magazines, and numerous rounds of ammunition. The completed firearms recovered were cross-referenced against the ATF Form 4473s recovered by Detective Groh from Tanner’s. Ten of the firearms recovered were found to have been purchased by Thomas HARRIS. The investigation into the source of the remaining two completed firearms, and the lower receivers is ongoing. All of the firearms were taken into

custody by OEE Special Agents Schenkel and Meyers and placed into their evidence vault. The completed firearms recovered are listed here:

- A) A Glock Model 23 pistol, bearing serial Number XKG955 purchased by HARRIS, JR. on February 15, 2020;
- B) A Glock Model 19 pistol, bearing serial Number BKZX677 purchased by HARRIS, JR. on February 1, 2020;
- C) A Glock Model 26 pistol, bearing serial Number XKT071 purchased by HARRIS, JR. on February 1, 2020;
- D) A Glock Model 27 pistol, bearing serial Number BUL376 purchased by HARRIS, JR. on February 15, 2020;
- E) A Glock Model 43 pistol, bearing serial Number ZNE238 purchased by HARRIS, JR. on February 1, 2020;
- F) A Glock Model 23 pistol, bearing serial Number SMR659 purchased by HARRIS, JR. on February 8, 2020;
- G) A Glock Model 27 pistol, bearing serial Number DDZ784 purchased by HARRIS, JR. on February 8, 2020;
- H) A Ruger pistol, bearing serial Number 333-33598 purchased by HARRIS, JR. on February 15, 2020;
- I) A CAI-Cugir Mini Draco pistol, bearing serial Number PE-1169-2019 RO purchased by HARRIS, JR. on February 15, 2020;
- J) A CAI-Cugir Draco Model 7.62X39m rifle, bearing serial Number DF-2128-19 RO purchased by HARRIS, JR. on February 15, 2020;

K) A Century Arms Model RAS47 rifle, bearing serial Number RAS47102000 unknown purchaser and purchase date; and

L) A Century Arms Model RAS47 rifle, bearing serial Number RAS47102002 unknown purchaser and purchase date.

17. On February 27, 2020, Detectives DiNezza and Gohl traveled to 1100 Newportville Road, Croydon Pennsylvania, the address used by “Lance BROWN,” to ship three packages to St. Lucia, including the package presented to Besco for shipment on February 24, 2020. Detectives DiNezza and Gohl learned that that address was the Glen Hollow Apartment complex. They spoke with C.P., property manager of Glen Hollow, who informed them that Thomas HARRIS has resided at that address since June of 2019, living in Building 11, Apartment 17. C.P. said that no individual named “Larry BROWN” or “Lance BROWN” was currently living at that complex, nor had there been anyone with that name previously living there.

18. On February 28, 2020, Detective Gohl learned that HARRIS JR. flew to St. Lucia on February 26, 2020, out of JFK Airport in New York City and is scheduled to return on July 25, 2020.

19. On March 4, 2020, a Besco employee told investigators that on February 24, 2020, he/she picked up a package for shipping from a man named “Lance BROWN” at Glen Hollow Apartments, 1100 Newportville Road, Building 11 Apartment 17, Croydon, Pennsylvania. (This was the same package that Special Agents Schenkel and Meyers and I examined on February 27, 2020, as described in Paragraph 13 of this affidavit.) The Besco employee stated that the shipment was in a large box that weighed approximately three hundred (300) pounds, and that a hand truck was needed to get the box to a van to take to Besco. The Besco employee was shown

a photo array consisting of six unnamed individuals, including HARRIS JR., and picked out the photograph of HARRIS JR. as the person who presented the package for shipping.

20. On March 6, 2020, Detective DiNezza and I traveled to Besco Shippers Inc. and interviewed I.T., manager of Besco Shippers. During the interview, I.T. received a phone call from the phone number (267) 836-0379. Upon answering the phone, I.T. was informed that the caller was “Lance BROWN,” checking on the status of his shipment to St. Lucia. I.T. told “BROWN” that his shipment was scheduled to leave the Port of Philadelphia on March 7, 2020, and should arrive approximately two weeks later in St. Lucia. That phone call was then terminated.

21. On March 6, 2020, Detective DiNezza caused a record search with the ATF Federal Firearms Licensing Center, which revealed THOMAS HARRIS JR. is not and was not licensed to deal in firearms under the provisions of Chapter 44, Title 18, United States Code, as required by law to engage in the business of importing, manufacturing or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce.

22. During this investigation, subpoenas were issued to Western Union for a transaction history relating to HARRIS JR. and his firearms purchase dates. The results showed that on February 8, 2020, HARRIS JR. received two Money Service Banking (MSB) transfers, totaling \$1,626.06, from K.D., an individual who resides in St. Lucia. On that same date HARRIS JR. spent approximately \$1,412 on firearms. Two of the firearms HARRIS JR. bought on February 8, 2020, both Glock semiautomatic pistols, were among the firearms we recovered from the February 24, 2020, package discussed in Paragraph 13 of this affidavit. The consignee listed on the Bill of Lading for the February 24, 2020, package is K.D.

The subpoena results also showed that on February 15, 2020, HARRIS JR. received an MSB transfer in the amount of \$624.00 from another St. Lucia resident. On that same date, HARRIS purchased firearms in the approximate amount of \$2,307.00. Four of those firearms – two Glock pistols, and two Draco pistols, – were among the firearms we recovered from the February 24, 2020, package. HARRIS JR. received another MSB transfer of \$1,100 on February 20, 2020 from a third St. Lucia resident. Four days later, on February 24, 2020, HARRIS JR. presented the package to Besco for shipping.

23. Based on the facts and circumstances set forth in this affidavit, I submit there is probable cause to believe that THOMAS HARRIS JR. violated Title 18, United States Code, Sections 922(a)(1)(A) (dealing in firearms without a license); and 924(a)(1)(A) (making false statements to a federal firearms licensee).

s/ Eric R. Frye
ERIC R. FRYE
Special Agent, ATF

Sworn and subscribed to before me
this 23rd day of July, 2020.

s/ Linda K. Caracappa
HONORABLE LINDA K. CARACAPPA
United States Magistrate Judge
Eastern District of Pennsylvania